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**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 1D 2006 64535

RUEL F. HERNANDEZ
19553 E. Cienega Avenue #8
Covina, California 91724

A C C U S A T I O N

Physical Therapist License No. PT 27335

Respondent.

Complainant alleges:

PARTIES

1. Steven K. Hartzell (Complainant) brings this Accusation solely in his official capacity as the Executive Officer of the Physical Therapy Board of California (Board), Department of Consumer Affairs.

2. On or about June 14, 2002, the Board issued Physical Therapist License Number PT 27335 to Ruel F. Hernandez (Respondent). This license was in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2008, unless renewed.

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JURISDICTION

1 3. This Accusation is brought before the Board under the authority of the
2 following laws. All section references are to the Business and Professions Code (Code) unless
3 otherwise indicated.

4 4. Section 2609 of the Code states:
5 “The board shall issue, suspend, and revoke licenses and approvals to practice
6 physical therapy as provided in this chapter.”

7 5. Section 2660 of the Code states:
8 "The board may, after the conduct of appropriate proceedings under the
9 Administrative Procedure Act, suspend for not more than 12 months, or revoke, or impose
10 probationary conditions upon any license, certificate, or approval issued under this chapter for
11 unprofessional conduct that includes, but is not limited to, one or any combination of the
12 following causes:

13 “...
14 "(d) Conviction of a crime which substantially relates to the qualifications,
15 functions, or duties of a physical therapist or physical therapy assistant. The record of
16 conviction or a certified copy thereof shall be conclusive evidence of that conviction. . . .”

17 6. Section 2661 of the Code states:
18 “A plea or verdict of guilty or a conviction following a plea of nolo contendere
19 made to a charge of a felony or of any offense which substantially relates to the qualifications,
20 functions, or duties of a physical therapist is deemed to be a conviction within the meaning of this
21 article. The board may order the license suspended or revoked, or may decline to issue a license,
22 when the time for appeal has elapsed, or the judgement of conviction has been affirmed on appeal
23 or when an order granting probation is made suspending the imposition of sentence, irrespective
24 of a subsequent order under Section 1203.4 of the Penal Code allowing that person to withdraw
25 his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or
26 dismissing the accusation, information, or indictment.”

27 7. California Code of Regulations, Title 16, section 1399.20, states:
28 “For the purposes of denial, suspension or revocation of a license, pursuant to

1 Division 1.5 (commencing with Section 475) of the code, a crime or act shall be considered to be
2 substantially related to the qualifications, functions or duties of a person holding a license under
3 the Physical Therapy Practice Act if to a substantial degree it evidences present or potential
4 unfitness of a person to perform the functions authorized by the license or approval in a manner
5 consistent with the public health, safety or welfare. Such crimes or acts shall include but not be
6 limited to the following:

7 “(a) Violating or attempting to violate, directly or indirectly, or assisting in or
8 abetting the violation of, or conspiring to violate any provision or term of the Physical
9 Therapy Practice Act. . . .”

10 8. Section 2661.5, subdivision (a) of the Code states:

11 “In any order issued in resolution of a disciplinary proceeding before the board, the
12 board may request the administrative law judge to direct any licensee found guilty of
13 unprofessional conduct to pay to the board a sum not to exceed the actual and reasonable costs of
14 the investigation and prosecution of the case.”

15 CAUSE FOR DISCIPLINE

16 (Conviction of a Crime)

17 9. Respondent is subject to disciplinary action under Code sections 2660,
18 subdivision (d), and 2661, and California Code of Regulations, Title 16, section 1399.20,
19 subdivision (a), in that he was convicted of a crime substantially related to the qualifications,
20 functions, or duties of a physical therapist. The circumstances are as follows:

21 A. On or about May 20, 2004, respondent’s wife filed a report of spousal
22 assault at the Los Angeles County Sheriff’s Department in Bellflower. Earlier that day,
23 respondent and his wife had engaged in an argument at their apartment. Respondent was
24 verbally abusive, and he also hit his wife on her head with his hand. As she attempted to
25 leave, respondent forcibly grabbed her back. He then tried to force her into her vehicle, but
26 she ran away. She sustained bruises on her back.

27 B. On or about June 10, 2004, a complaint was filed against respondent in a
28 criminal proceeding entitled *People v. Ruel Funtilla Hernandez*, in Los Angeles County

1 Superior Court, Case Number 4LC01910, charging him with willfully inflicting on his
2 spouse corporal injury resulting in a traumatic condition, a violation of Penal Code section
3 273.5 (a), a misdemeanor.

4 C. On or about June 30, 2004, respondent was convicted by a plea of nolo
5 contendere of willfully inflicting corporal injury resulting in a traumatic condition on his
6 spouse as charged. He was placed on summary probation for three years. The court
7 ordered him to pay \$400.00 to the domestic violence fund, \$100.00 to the state restitution
8 fund, and a court security assessment of \$20.00. In addition, he was ordered to perform 20
9 days of Cal Trans and complete 52 weeks of domestic violence counseling.

10 PRAYER

11 WHEREFORE, Complainant requests that a hearing be held on the matters herein
12 alleged, and that following the hearing, the Physical Therapy Board of California issue a decision:

- 13 1. Revoking or suspending Physical Therapist License Number PT 27335
14 issued to respondent Ruel F. Hernandez;
- 15 2. Ordering respondent to pay the Board the reasonable costs of the
16 investigation and enforcement of this case, pursuant to Business and Professions Code section
17 2661.5;
- 18 3. Taking such other and further action as deemed necessary and proper.

19 DATED: March 13, 2007

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22 Original Signed By:
23 STEVEN K. HARTZELL
24 Executive Officer
Physical Therapy Board of California
State of California

25 Complainant
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